

### REMARKS

Reconsideration of the above-identified application in view of the following remarks is respectfully requested. Claims 41-45 are new and currently pending. Claims 1-40 have been cancelled without prejudice. In the outstanding Final Office Action dated July 18, 2003, claims 1-6, 8-13, 15-25, 27-32, and 34-40 had remained rejected under 35 U.S.C. § 103(a) as being obvious for the reasons of record, whereas claim 7, 14, 26 and 33 had remained objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New claims 41-44 correspond to cancelled claims 7, 14, 26, and 33 rewritten in independent form and including all of the limitations of the base claims and any intervening claims. Accordingly, claims 41-44 are allowable for the reasons of record. New claim 45 is also allowable for the reasons that follow. No new matter has been added.

As way of background and more specifically, claims 17, 18, 23-25, 27-32, and 34-40 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 2667728 in view of DE 19820756 in view of U.S. Patent No. 5,874,182 to Wilkerson *et al.* (see first Office Action at page 3, paragraph 5). Claims 19-22 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 2667728 in view of DE 19820756 in view of U.S. Patent No. 5,874,182 to Wilkerson *et al.* as applied to claims 17, 18, 23-25, 27-32, and 34-40 and in further view of PCT International Publication No. WO 98/217777 (see first Office Action at page 6, paragraph 6). Claims 1-6, 8-13, and 15 had been rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 2667728 in view of DE 19820756 in view of U.S. Patent No. 5,874,182 to Wilkerson *et al.* as applied to claims 17, 18, 23-25, 27-32 and 34-40 and in further view of U.S. Patent No. 6,413,671 to Mercuri *et al.* (see first Office Action at page 7, paragraph 7). Finally, claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over FR 2667728 in view of DE 19820756 in view of U.S. Patent No. 5,874,182 to Wilkerson *et al.* in view of U.S. Patent No.

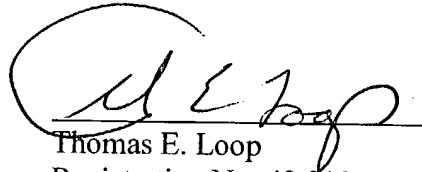
6,413,671 to Mercuri *et al.* as applied to claims 1-6, 8-13, and 15 and in further view of U.S. Patent No. 5,723,228 to Okamoto (*see* first Office Action at page 8, paragraph 8).

In order to obviate the Examiner's concerns in this regard, Applicant respectfully presents new independent claim 45. New claim 45 is directed to "[a]n electrode structure adapted for use with a direct liquid feed fuel cell system" and further recites that "the porous bulk matrix fluid transport layer contains a fluid reactant and electrolyte mixture flowing therethrough and contacting the surface adhered catalyst particles." Accordingly, and because these new claims limitation require that the flowing reactant and electrolyte mixture contact surface adhered catalyst particles, Applicant respectfully submits that new claim 45 is patentably distinguishable over the prior art. Support for new claim 45 may found, for example, in the detailed description portion of the specification.

More specifically, Applicant notes that FR 2667728 is directed to a gaseous hydrogen-oxygen type of fuel cell that comprises two porous conducting electrodes separated by a liquid electrolyte filled polymeric matrix. Importantly, the porous electrodes taught in all instances by FR 2667728 are required to contain a solid film of a proton-conducting polymer that coats the surface adhered catalyst particles. In contradistinction, the present invention as recited in claim 45 does not comprise a solid polymer electrolyte within the electrode structure and is, therefore, patentably distinguishable over FR 2667728. Put simply, the present invention as set forth in new claim 45 requires that a flowing reactant and electrolyte mixture contact surface adhered catalyst particles; the electrode structure of FR 2667728, on the other hand, requires a polymeric coating over its surface adhered catalyst particles and, therefore, a flowing reactant and electrolyte mixture cannot contact its surface adhered catalyst particles.

In view of the above remarks allowance of claims 41-45 is earnestly solicited. A good faith effort has been made to place this application in condition for allowance. However, if any further matter requires attention prior to allowance, the Examiner is requested to contact the undersigned attorney at (206) 381-3100 to resolve the same.

Respectfully Submitted,  
BARNARD, LOOP & McCORMACK LLP

A handwritten signature in black ink, appearing to read "T E Loop", is written over a horizontal line.

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